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## EVALUATOR MANUAL TRANSMITTAL SHEET

<b><u>Distribution:</u></b>  ____ All Child Care Evaluator Manual Holders ____ All Residential Care Evaluator Manual Holders <u> X </u> All Evaluator Manual Holders	<b><u>Transmittal No.</u></b> <b>08RM-05</b>
	<b><u>Date Issued</u></b>  November 2008

**Subject:**

Reference Material

Office Functions – Correction of California Code of Regulations, Title 22, citations

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**Reason for Change:**

Amend Sections 2-5000 and 2-8010

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**Filing Instructions:**

REMOVE – Pages 13 and 34

INSERT – Pages 13 and 34

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**Approved:***Original signed by Thomas Stahl**11/18/08*

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**THOMAS STAHL Chief**  
Policy Development Bureau  
Community Care Licensing Division

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Date

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**2-5000 WAIVERS AND EXCEPTIONS GUIDELINES****2-5000****GENERAL STATEMENT**

The Department recognizes that alternative concepts and techniques or experimental and demonstration projects should not be excluded from child day care and residential programs. Therefore, regulatory requirements may be waived or exceptions made to allow for program flexibility, provided the health and safety of children, adults and the elderly are not jeopardized by the use of these alternative methods. These guidelines will be used for all waiver and exception requests. The Department, however, is prohibited from approving waivers/exceptions to the Health and Safety Code. The Licensing Program Analyst should advise the licensee or license applicant of the waiver/exception process and let them know that they may apply.

**2-5100 GUIDELINES FOR EVALUATING REQUESTS****2-5100**

Review the request for a waiver/exception to ensure that:

1. The requested alternative method provides equal or better protections for client/resident health and safety than the original regulation.
  - a. Consider the impact of the request on other regulations.
  - b. Determine if any additional requirements are necessary to ensure compliance with the purpose of the regulation.

**EXAMPLES**

An applicant/licensee who cannot afford to install a five-foot fence around a doughboy pool requests a waiver to the regulation. The alternate plan must ensure that the pool ladder will be removed during the hours children are in the facility and access to the pool area restricted except when a qualified adult directly supervises the children.

**2-5200 WAIVER VS EXCEPTION****2-5200**

**WAIVER** – Waiver requests are predominantly based on a facility wide need or circumstance and are not typically tied to a specific facility resident or staff person.

If a licensee/license applicant requests variance to a facility wide regulation by replacing it with an alternate plan which still meets the purpose of that regulation, then it is a waiver request. Examples include:

1. A child care center that prepares meals or snacks onsite requests not to have hot running water on site, but plans to use disposable dinnerware and utensils and make provisions for sterilizing any reusable utensils instead.

**2-7510 DRIVER RECORD INFORMATION (Continued)****2-7510**

Mail completed DL-254 request forms to:

Department of Motor Vehicles  
Division of Driver Safety and Licensing  
P.O. Box 11231  
Sacramento, CA 95853

Supplies of the form DL-254 may be obtained by writing to:

Department of Motor Vehicles  
Division of Driver Safety and Licensing  
P.O. Box 11231  
Sacramento, CA 95853

Agencies with duplicating facilities may make copies of this form, but must retain the exact size and format of the original.

**2-8010 GENERAL STATEMENT****2-8010**

The licensing agency requires licensees, with the exception of family child care providers, to report certain incidents that affect facility clients or the general operation of the facility. The intent of this requirement is to protect both the client and the licensee. The licensee is provided with an opportunity to explain how or why the incident occurred and what action is being taken as a result of the incident to prevent further incidents and protect the clients. The reporting requirement also allows the licensing agency to become aware of incidents prior to these incidents coming to the attention of the news media or other interested agencies.

It is the responsibility of the licensee or designated representative of the facility to report unusual incidents, injuries, deaths, and organizational changes in the plan of operation, etc, to the licensing agency by telephone, mail or fax. For category specific requirements and time frames, refer to the following California Code and Regulation, **Title 22**, Sections: 80061 (General), **89261** (foster family homes), **87211** (residential care facilities for the elderly), 101212 (child day care).

Incidents are normally reported by the licensee or designated representative on the LIC 624-UNUSUAL INCIDENT/INJURY REPORT or LIC 624A-DEATH REPORT.

Previously incidents, injuries and deaths were reported on one form, the LIC 624. As of 1-99 there will be two reporting forms, the LIC 624, for incidents and injuries only, and the LIC 624A for deaths.